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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,004	08/27/2003	Daniel J. Gazdic	47079-0226	6034
30223	7590	05/16/2006	EXAMINER	
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			KIM, ANDREW	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,004

Applicant(s)

GAZDIC ET AL.

Examiner

Andrew Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/27/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffe (US 6,517,432), "Jaffe" in view of The Sims Video game (Released 2000, game manual(pg. 92) and Prima strategy guide).

Claims 1 and 26: Jaffe discloses

- receiving a wager to play the wagering game (Abstract);

Jaffe does not disclose:

- defining a plurality of movable objects that are ostensibly similar;

- assigning different behavior types to the respective objects such that the objects behave differently from each other, each behavior type including a plurality of behaviors; and for each object, displaying the plurality of behaviors associated with the behavior type assigned to the given object.

Instead, Jaffe discloses a set of first symbols and second set of specials symbols that move around the display (Abstract) that is assigned different behaviors (col. 3-5). In an analogous gaming reference, The Sims teaches character having the artificial intelligence of the claimed invention (The Sims manual). Specifically, defining a plurality of similar movable objects (The Sims manual, pg.1) including assigned behaviors to differentiate the objects (The Sims Manual, pg. 21-27). One of ordinary skill in the art would have seen the benefit of modifying Jaffe with the artificial intelligence as taught by The Sims to provide the user with more life-like characters that can interact with other objects or itself (pg. 1 and 3) which can entertain the player greatly, and the more entertaining the game is to the player, the more the player will play the game and increase casino profits. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention modify Jaffe with advanced artificially intelligent characters as taught by the Sims to provide the user with more life-like characters that can interact with other objects or itself (pg. 1 and 3) which can entertain the player greatly, and the more entertaining the game is to the player, the more the player will play the game and increase casino profits.

Claims 2 and 27: Jaffe as modified by The Sims teaches an invention wherein the movable objects are characters (The Sims Manual, pg. 21-27).

Claims 3 and 28: Jaffe as modified by The Sims teaches an invention further including displaying the objects in a crowd (The Sims Manual, pg. 10).

Claims 4 and 29: Jaffe as modified by The Sims teaches an invention, wherein the assigning step includes randomly assigning the different behavior types to the respective objects (The Sims Manual, pg. 21-46).

Claims 5 and 30: Jaffe as modified by The Sims teaches an invention, wherein the plurality of behaviors include idle behaviors (The Sims Manual, pg. 35-46).

Claims 6 and 31: Jaffe as modified by The Sims teaches an invention, wherein the idle behaviors include isolated actions of the given object (The Sims Manual, pg. 35-46).

Claims 7 and 32: Jaffe as modified by The Sims teaches an invention, wherein the idle behaviors include interactions between the given object and another one or more of the objects (The Sims Manual, pg. 35-46).

Claims 8 and 33: Jaffe as modified by The Sims teaches an invention, wherein the idle

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behaviors are independent of any award associated with the wagering game (The Sims Manual, pg. 35-46).

Claims 9 and 34: Jaffe as modified by The Sims teaches an invention, further including

- defining a plurality of possible destinations;
- defining a plurality of possible movement patterns;
- assigning one of the movement patterns to a respective object; and
- displaying the object going to a selected one of the destinations in accordance with the assigned movement pattern (The Sims Manual, pg. 35-46).

Claims 10 and 35: Jaffe as modified by The Sims teaches an invention, further including selecting the one of the destinations prior to the step of displaying the object going to a selected one of the destinations (The Sims Manual, pg. 35-46).

Claims 11 and 36: Jaffe as modified by The Sims teaches an invention, wherein the selecting step includes randomly selecting the one of the destinations from the plurality of possible destinations (The Sims Prima Strategy Guide, pg. 45-56).

Claims 12 and 37: Jaffe as modified by The Sims teaches an invention, wherein the step of assigning one of the movement patterns to a respective object depends upon the selected destination (The Sims Prima Strategy Guide, pg. 45-56).

Claims 13 and 38: Jaffe as modified by The Sims teaches an invention, wherein the selected destination is associated with one or more of the possible movement patterns (The Sims Prima Strategy Guide, pg. 45-56).

Claims 14 and 39: Jaffe as modified by The Sims teaches an invention, further including, for a given one of the objects, assigning probabilities to the respective possible movement patterns, and wherein the step of assigning one of the movement patterns to a respective object includes assigning the one of the movement patterns to the given object based on the assigned probabilities (The Sims Prima Strategy Guide, pg. 45-56).

Claims 15 and 40: Jaffe as modified by The Sims teaches an invention, wherein the assigned probabilities for the given object is determined by the selected destination (The Sims Prima Strategy Guide, pg. 45-56).

Claims 16 and 41: Jaffe as modified by The Sims teaches an invention, comprising:

- receiving a wager to play the wagering game (Abstract);

Jaffe does not explicitly disclose

- defining a plurality of movable objects;
- defining a plurality of possible behaviors;

- for a given one of the objects, assigning probabilities to the respective possible behaviors and selecting one of the possible behaviors based on the assigned probabilities; and displaying the selected behavior for the given object.

Instead, Jaffe discloses a set of first symbols and second set of specials symbols that move around the display (Abstract) that is assigned different behaviors (col. 3-5). In an analogous gaming reference, The Sims teaches character having the artificial intelligence of the claimed invention (The Sims manual). Specifically, defining a plurality of similar movable objects (The Sims manual, pg.1) including assigned behaviors to differentiate the objects (The Sims Manual, pg. 21-46 and strategy guide pg. 45-56). One of ordinary skill in the art would have seen the benefit of modifying Jaffe with the artificial intelligence as taught by The Sims to provide the user with more life-like characters that can interact with other objects or itself (pg. 1 and 3) which can entertain the player greatly, and the more entertaining the game is to the player, the more the player will play the game and increase casino profits.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention modify Jaffe with advanced artificially intelligent characters as taught by the Sims to provide the user with more life-like characters that can interact with other objects or itself (pg. 1 and 3) which can entertain the player greatly, and the more entertaining the game is to the player, the more the player will play the game and increase casino profits.

Claims 17 and 42: Jaffe as modified by The Sims teaches an invention, wherein the possible behaviors include different movement patterns for moving an object to a selected destination (The Sims Prima Strategy Guide, pg. 45-56).

Claims 18 and 43: Jaffe as modified by The Sims teaches an invention, wherein the assigned probabilities for the given object is determined by the selected destination (The Sims Prima Strategy Guide, pg. 45-56).

Claims 19 and 44: Jaffe as modified by The Sims teaches an invention, wherein the movable objects are characters (The Sims Manual, pg. 21-27).

Claims 20 and 45: Jaffe as modified by The Sims teaches an invention, further including displaying the objects dispersing from a crowd (The Sims Manual, pg. 21-27).

Claims 21 and 46: Jaffe as modified by The Sims teaches an invention, further including

- defining a plurality of possible destinations; and
- selecting one of the possible destinations, the assigned probabilities for the given object being determined by the selected destination;
- wherein the possible behaviors for the given object include different movement patterns for moving the given object to the selected destination;

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- wherein the displaying step includes displaying the given object going to the selected destination in accordance with the selected movement pattern (The Sims Prima Strategy Guide, pg. 45-56).

Claims 22 and 47: Jaffe as modified by The Sims teaches an invention, wherein the step of selecting one of the possible destinations includes randomly selecting the one of the destinations from the plurality of possible destinations (The Sims Prima Strategy Guide, pg. 45-56).

Claims 23 and 48: Jaffe as modified by The Sims teaches an invention, comprising:

- receiving a wager to play the wagering game (Abstract);

Jaffe does not explicitly disclose:

- defining a plurality of movable objects;
- defining a plurality of possible destinations;
- defining a plurality of possible different movement patterns for moving the objects to the destinations; for a given one of the objects, assigning probabilities to the respective possible movement patterns and selecting one of the possible movement patterns based on the assigned probabilities; and
- displaying the object going to a selected one of the destinations in accordance with the assigned movement pattern

Instead, Jaffe discloses a set of first symbols and second set of specials symbols that move around the display (Abstract) that is assigned different behaviors (col. 3-5). In an analogous gaming reference, The Sims teaches characters having the artificial intelligence of the claimed invention (The Sims manual). Specifically, defining a plurality of similar movable objects (The Sims manual, pg.1) including destinations and movement patterns (The Sims Manual, pg. 21-46 and strategy guide pg. 45-56). One of ordinary skill in the art would have seen the benefit of modifying Jaffe with the artificial intelligence as taught by The Sims to provide the user with more life-like characters that can interact with other objects or itself (pg. 1 and 3) which can entertain the player greatly, and the more entertaining the game is to the player, the more the player will play the game and increase casino profits. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention modify Jaffe with advanced artificially intelligent characters as taught by the Sims to provide the user with more life-like characters that can interact with other objects or itself (The Sims manual, pg. 1 and 3) which can entertain the player greatly, and the more entertaining the game is to the player, the more the player will play the game and increase casino profits.

Claims 24 and 49: Jaffe as modified by The Sims teaches an invention, further including selecting the one of the destinations, the assigned probabilities for the given object being determined by the selected destination.

Claims 25 and 50: Jaffe as modified by The Sims teaches an invention, wherein the step of selecting the one of the destinations includes randomly selecting the one of the destinations from the plurality of possible destinations.

Citations

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: Luciano, Jr. et al. (US 6,050,895), Baerlocher et al. (US 2002/0016200), Suzuki (US 2003/0008701), Watanabe (US 2003/0045346), Walker et al. (US 2004/0176156), Seelig et al. (US 2004/0180711).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.K. 5/12/2006


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TC3700